INTERVENTION



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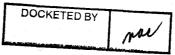
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ARIZONA COMPETITIVE POWER ALLIANCE Greg Patterson 245 West Roosevelt

Phoenix, Arizona 85003 Telephone: (602) 229-1010

Arizona Corporation Commission DOCKETED

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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF THE ARIZONA PUBLIC SERVICE COMPANY'S REOUEST FOR A VARIANCE OF CERTAIN REQUIREMENTS OF A.C.C. R14-2-1606

Docket No. E-01345A-01-0822

APPLICATION OF ARIZONA COMPETITIVE POWER ALLIANCE FOR LEAVE TO INTERVENE

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Pursuant to A.A.C. R14-3-105, Arizona Competitive Power Alliance (the "Alliance") hereby moves the Commission for leave to intervene in the above-captioned proceeding.

17 The Alliance consists of electric power generators in wholesale and retail markets across 18 19 20 21 22 23 24 25

the United States, including Arizona, who support the development of a competitive market for power in Arizona. The Alliance supports a truly competitive market structure through which new service providers will be able to enter local electric power markets and compete for wholesale and retail customers, providing consumers the right to choose their electricity supplier. More choice leads to lower rates and better service. The Alliance exists to ensure that Arizona's laws and regulations, among other things: 1) minimize inherent advantages afforded incumbent utility providers; 2) require that utilities provide competitive energy services through structurally separate affiliates; and 3) generally promote competition for competitive electric power products.

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In pursuance of the above-referenced goals, the Alliance supports the Commission's Retail Electric Competition Rules, A.A.C. R14-2-201 *et seq*. ("Electric Competition Rules"), including, specifically, R14-2-1606(B). Indeed, in reliance on the Commission's Rules, the member companies of the Alliance have spent over one billion dollars to date, and are prepared to spend billions of additional dollars in plants, generating equipment, and the enhancement of transmission infrastructure in the state in order to implement those Rules.

In addition, because it furthers the goals of the Alliance, the Alliance supports this Commission's Decision No. 61973 (the "Decision"), which Decision approved that Settlement Agreement dated May 14, 1999, as amended, between Arizona Public Service Company ("APS") and various parties (the "Settlement Agreement"). The Settlement Agreement specifically provides that "APS shall procure generation for Standard Offer customers from the competitive market as provided for in the Electric Competition Rules." See Addendum to Settlement Agreement, ¶ 5.(4.1(3)). The members of the Alliance directly benefit from the diligent enforcement of the Electric Competition Rules and the various parties' performance under the Decision and the Settlement Agreement.

Accordingly, the Alliance will be directly and substantially affected by any decision of the Commission in these proceedings. Moreover, the granting of intervenor status to the Alliance will not unduly delay the proceedings or cause the issues to be unduly broadened.

The Alliance requests that all communications in connection with the above-captioned proceedings be directed to:

Greg Patterson Arizona Competitive Power Alliance 245 West Roosevelt Phoenix, Arizona 85003 Telephone: (602) 229-1010

2 under the Commission's rules and regulations. 3 DATED this 5-14 day of November, 2001. 4 5 6 7 8 9 10 11 Original and 10 copies hand-delivered this 57 day of November, 2001 to: 12 13 **Docket Control** Arizona Corporation Commission 14 1200 W. Washington St. Phoenix, AZ 85007 15 Copy of the foregoing 16 hand-delivered this 5 Th day of November, 2001 to: 17 Lyn Farmer 18 Chief Administrative Law Judge **Hearing Division** 19 Arizona Corporation Commission 1200 W. Washington St. 20 Phoenix, AZ 85007 21 Chris Kempley, Chief Counsel Legal Division 22 Arizona Corporation Commission 1200 W. Washington St. 23. Phoenix, AZ 85007 24

to intervene in these proceedings, and that the Alliance be accorded the full status of an intervenor

ARIZONA COMPETITIVE POWER ALLIANCE

Greg Patterson

For the reasons discussed above, the Alliance respectfully requests that it be granted leave

And a copy mailed this 5 h day of November, 2001, to:

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Thomas L. Mumaw, Esq. Jeffrey B. Guldner, Esq. Snell & Wilmer One Arizona Center Phoenix, Arizona 85004-2202 Attorneys for APS

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